

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
September 17, 2013**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, September 17, 2013 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 10:12am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Brian McEwing, present; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, absent.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing that the minutes of the August 20, 2013 meeting be approved.

All voted in favor.

Treasurers Reports

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to pass Resolution #13-25 to approve the September 2013 Treasurers Report.

All voted in favor.

Executive Director's Report

Captain Sarubbi informed the Commission that Apprentice Alex Woodworth's state exam has been rescheduled for Tuesday, September 24, 2013. Assuming he passes the exam there will be a

resolution on the October 15, 2013 meeting agenda to approve his licensure as a New Jersey State Docking Pilot.

Captain Nils Tribus has completed his 75 refamiliarization trips and has returned to work on the New Jersey Board.

There will be a Harbor Ops meeting on September 18, 2013 followed by an Oil Terminal meeting. Captain Sarubbi will attend both.

Commissioner Stapleton is the Coast Guard Liaison and will not be able to attend the September 18th meeting. He asked Captain Sarubbi to be prepared to make a full report to the Commission at the October 15th meeting.

Comments from Captain Andrew McGovern, President, The New Jersey Sandy Hook Pilots Association:

Captain Flannery had a family emergency and could not attend the meeting. Captain McGovern gave a report for himself and Captain Flannery.

The Army Corp surveys every six months in the Arthur Kill. The June survey revealed shoaling in the area between KMI Carteret and Motiva. The pilots informed the agents and vessel owners that the maximum draft will be lowered by two feet until the maintenance dredging is complete. The drafts have been reduced to 35 feet at high water and 31 feet at low water.

The dredging in the Sandy Hook Channel will begin in October. The project should be completed in 1-2 weeks.

The sand that was washed away from Keansburg Beach during Hurricane Sandy will be replenished and the anchorage will be dredged.

Darling Inc. came to the Steering Committee of Harbor Ops to inform them that they will begin dredging to realign their berth. The Committee deemed the dredging to be non-controversial and did not present any opposition.

The excavator for the water syphon is being repaired and should be back in operation by spring 2014; sooner than anticipated. The Port Authority and Army Corp have a meeting scheduled with the City of New York DEP to get their permission to begin scraping the debris from the top of the tunnels. Captain

McGovern recommended that the Commission send a letter to the Port Authority or New York DEC in support of the project.

No bunkering will be allowed alongside New York City Container Terminal until the dredging is complete. Vessels can only sail during flood tide.

Comments from Ed Kelly, Executive Director, The Maritime Association of the Ports of New York and New Jersey:

The Maritime Association is offering a Shipping 101 Course during the week of October 3, 2013. The course gives a comprehensive look at the shipping industry from start to finish. It also includes a port tour. Past courses included members from the Coast Guard, Customs, Port Agents, etc. Ms. Stuckey pointed out that she has attended the course in the past and found it to be very informative. The Maritime Association offers the course every six months.

The annual meeting of the MedMac Regional Coastal Observation System will be held in Baltimore on October 3rd and 4th. Captain McGovern and Ed Kelly are both on the board and will attend the meeting.

Committee Reports

A. Docking Pilot Apprentice Selection Committee:

Commissioner Stapleton gave a summary of the report that was circulated to the Commissioners. He found the interviewing process very interesting and the candidates to be impressive.

Investigation Committee:

- I. **Flagship Privet** - June 4, 2013. This incident is still under investigation.
- II. **Afrodite** - June 29, 2013. This incident was investigated by the New York Commission because the pilot was working under the jurisdiction of his Hudson River license. Captain Sarubbi recommended that the Commission accept the report of the New York Commission and the case be closed to file. A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to accept the recommendation. All voted in favor.

- III. Lawrence H. Gianella** - June 13, 2013. Captain Sarubbi moved that this incident be discussed in Executive Session.
- IV. **Grey Shark** - August 13, 2013. Captain Sarubbi moved that this incident be discussed in Executive Session.
- V. **Norwegian Gem** - August 24, 2013. This incident is still under investigation.
- VI. **Hood Island** - September 1, 2013. Based on his investigation, Captain Sarubbi recommended that the Commission find no fault on the part of Captain Walsh. Captain McGovern pointed out that this was Captain Walsh' first job as a Deputy Pilot and commended his performance. A motion was made by Commissioner McEwing and seconded by Commissioner Dacey to accept the recommendation. All voted in favor.

Introduction and Presentation of Certificate of Appoint to
Maritime Pilot Apprentice Paul Torres

Apprentice Torres was introduced to the Commission by Captain Andrew McGovern. He gave the Commission a brief summary of his background.

Apprentice Torres was presented with a certificate of appointment by Commissioner Stapleton.

Resolution #13-26 to Approve the Docking Pilot Apprentice
Selection List

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to approve the Docking Pilot Apprentice Selection List recommended by the Committee. All voted in favor.

Discussion on Revising Regulatory Rule Proposal

Commissioner Stapleton attended a meeting with the Authorities Unit regarding the rule proposal. He was told that the proposal could not be approved because of the amendment that mandates all pilots to have an ARPA certificate. They have been advised that the cost for obtaining an ARPA certificate is \$1,000 and the docking pilots are in opposition. The Governor's office is not approving any new fees and the \$1,000 cost represents a new fee to the docking pilots. They have advised that the proposal be resubmitted without the ARPA requirement.

Commissioner Stapleton suggested that the ARPA requirement be removed to allow the Commission more time to research the issue and the proposal be resubmitted. He also suggested that

the Commission include the amendment to the Deputy Pilot grade advancement and tonnage levels, an amendment that would allow for the Docking Pilot Apprentice Selection List to expire every two years and the revised post occurrence drug testing procedures. A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to authorize staff to resubmit the rule proposal with the recommended changes. All voted in favor.

Old Business

A. Discussion on Post Incident Drug & Alcohol Testing

Procedures:

The Commissioners were given a copy of the red-lined comments submitted by Captain McGovern on the proposed procedures. Captain McGovern pointed out that the comments were made on behalf of himself and Captain Flannery. In reviewing the proposal point by point, several changes were recommended by the Commissioners. Commissioner Stapleton moved that his original statement to include amendments to the post incident drug and alcohol testing procedures to the rule proposal be rescinded to allow the Commission more time to review the draft. He will be in contact with each Commissioner to get their comments and then circulate a new draft.

B. Working Group to Review Sandy Hook Apprentice Selection

Medical Criteria:

Captain Sarubbi informed the Commission that the first meeting of this group will take place immediately following the Commission meeting. There will be representatives from the New York Commission, New York Pilot Association and the Docking Pilot Associations.

C. Joint Pilot Card:

Captain Sarubbi informed the Commission he is still working with Frank Keane from the New York Commission on the development of the card.

D. Ms. Stuckey informed the Commission that she has had the initial meeting with the auditors to begin the FY13 Audit. The auditors are waiting on the financial information from Trenton. Once this information is received they will submit a draft for the Audit Committee to review. Ms. Stuckey will arrange a teleconference meeting with the auditors and the Committee to finalize the audit before the October 15, 2013 regular meeting.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission took a break at 10:57am.

Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 12:15pm.

Lawrence H. Gianella

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to accept the recommendations in Captain Sarubbi's investigation report. All voted in favor.

Grey Shark

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to accept the recommendations in Captain Sarubbi's investigation report. All voted in favor.

Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:16pm.